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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 002823

SIPDIS

LONDON FOR ANDREA GABBITAS, PARIS FOR UZRA ZEYA

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SUBJECT: QUADRILATERAL ON BULGARIAN AND PALESTINIAN MEDICS

Classified By: USEU POL: Lee Litzenberger; Reason 1.4 (b,d)

1. (C) Summary. UK, European Commission, Bulgarian, and U.S. representatives agreed on need to continue efforts to support humanitarian HIV/AIDS projects in Libya, while pressing Libya to release the Bulgarian and Palestinian medics, in order to set the stage for the private discussions necessary to resolve the medics issue. The UK affirmed its determination as EU Presidency to lead a diplomatic initiative to gain the medics' release, targeting the period immediately following the Libyan Supreme Court's expected ruling on November 15th. End Summary.

2. (C) In a third multilateral coordination meeting on the HIV/medics issue, delegations for the UK (Nick Banner, FCO Middle East North Africa Section Head and Anna Jackson, FCO Middle East North Africa Office Director), the European Commission (Belen Martinez-Carbonell, ExRel Commissioner Ferrero-Walder's staff), Bulgaria (Georgi Dimitrov, Secretary to President Purvanov; Petko Doykov, MFA Middle East Director; Dimitar Tzantchev; and former UN PermRep, Boiko Mirchev, MFA European Integration), and the U.S. (Dep. Legal Adviser Schwartz, Libya Desk Officer Steve Butler, and USEU) exchanged information for charting a common path forward. The UK stressed the importance of reminding the Libyans that releasing the medics is a key political and commercial issue for the EU and that Libya needed to find a way out of the domestic problem it had created for itself by pursuing the medics. UK representatives said the UK intends to make a major diplomatic push to resolve the issue during its Presidency. (Privately with U.S. delegates, UK indicated that a confidential channel has already been opened and it shows great promise.)

3. (C) Bulgarian representatives reiterated that Bulgaria "cannot accept the verdict" against the medics because of the unfair nature of the trial. Nevertheless, Bulgaria seemed willing to consider a prisoner transfer under an existing agreement with Libya (which the Libyans have also mentioned), with the implicit understanding that the medics could be given clemency in Bulgaria. Providing "cash money" to the families is also out of the question, but Bulgaria could accept a special fund for the families if established by others. For its part, as a result of President Purvanov's trip to Libya, Bulgaria is looking at donating equipment and drugs to the Benghazi hospital, sponsoring "vacations" for non-infected family members to Bulgaria, and providing training for Libyan medical personnel in Bulgaria. The offer of debt relief to Libya also seems to still be on the table.

4. (C) EU Commission representatives said a revised version of the Action Plan will be ready shortly, reflecting recent EU contributions and a UK contribution. They confirmed that EU experts believe Libya's needs are for technical assistance and political recognition rather than equipment. At a meeting scheduled tomorrow with Libyan Under Secretary Siala on the Barcelona Process, Commissioner Ferrero-Waldner intends to stress the need for Libya to resolve the medics' situation as a precondition of joining Barcelona. However, EU representatives accepted the UK point that there should not be separate channels of communication with the Libyans on the political track.

5. (C) Regarding legal proceedings in Libya, Bulgarian representatives explained that following the recent acquittal of the defendants in the torture case, there is an August 6 deadline for filing appeals. The attorney for the medics seeking damages intends to appeal the ruling in the civil portion of the case, but the Qadhafi Foundation has thus far resisted Bulgarian entreaties to persuade the prosecutor to appeal the criminal side of the case. Bulgaria asked for assistance in this effort, since only the criminal prosecution can lend support to the medics' torture claims in the criminal case against them. In that latter case, the Bulgarians indicated they are now uncertain of precisely what outcomes are possible on November 15, but realistically the best that can be hoped for is a return of the case to the lower court for further proceedings. However, they stressed that further delays would be devastating to the medics, who are in poor condition.

6. (C) U.S. representatives shared experience in dealing with the Libyans and conveyed recent impressions of what Libyan

officials may have in mind as a "scenario" to resolve this issue. In particular, U.S. representatives explained that Libya may portray a package to its own population differently than might be objectively true, so Bulgaria should not lose hope by continued Libyan insistence on "compensation" or that a settlement be worked out directly between Bulgaria and the families. The Libyans say they are seeking a "formula" that "will not harm the interests of any of the parties" - something may be worked out through quiet talks, perhaps with ambiguous features, regardless of what the Libyans are saying about their legal system or domestic political problems. If Bulgaria is willing to consider a prisoner transfer that leaves convictions in place from the Libyan point of view, the Action Plan and its associated benefits to the families may provide the elements for a mutually acceptable package. U.S. representatives indicated that we are actively considering a USG contribution to the Baylor project to increase our standing to press Libya on approving the Baylor MOU as well as other issues.

17. (C) Next steps: The UK will work with the U.S. on a joint demarche to Libya to stress the need to find a solution to the medics' case and the importance of the prosecutor lodging an appeal from the recent acquittal of the Libyan police accused of torturing the medics. The UK will also consider what channel would be most effective for pursuing a diplomatic solution with the Libyans. (UK representatives indicated privately that it likely will be the confidential channel they have already established.) The Commission will update its Action Plan. The Bulgarians will talk to Turkey about lessons learned in Turkey's failed effort to prevent the recent execution of two of its nationals in Libya. The possibility of enlisting an international figure (such as Mandela) to support a solution to the medics' case will also be considered. The Bulgarians will continue work on a paper itemizing the shortcomings of the legal process in the medics' original trial. Finally, the Commission will advise Bulgaria on a "wish list" of hospital equipment submitted recently by Libya as a follow-on to President Purvanov's visit. (Though Martinez-Carbonell expressed privately the Commission's view that Libya does not need equipment and facilities, rather it needs expertise if it is to deal with the narrow issue of the HIV/AIDS-infected children in Benghazi and the HIV/AIDS issue as a whole within the country.)

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